IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.4842 of 2005.
IN
FIRST APPEAL ST.NO.36040 OF 2003.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri S.V.Chaubal for the Applicant.

Shri Sandesh Deshpande for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : 8th June, 2006.

P.C.:

1. Heard the learned Advocates appearing for the Applicant and Respondent No.1. Case for restoration is made out. Application is allowed in terms of prayer clause 11(i), 11(ii) and 11(iv), subject to condition that the Applicant will serve private notice of Civil Application No.5129 of 2003 returnable on 29th September 2006 and will file affidavit of service before the returnable date. If the notice is not served before the returnable date, the order of dismissal of Civil Application No.5129 of 2003 will stand.

2. Civil Application disposed of.

Judge.